



Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Forty-third Meeting Day

Wednesday Morning

April 9, 2003

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Pastor Bill Thompson, Wesleyan Church, Greensburg, the guest of Representative Cleo R. Duncan.

The Pledge of Allegiance to the Flag was led by Representative Duncan.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett ☒
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount ☒
Koch	Mr. Speaker

Roll Call 507: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☒ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, April 10, 2003, at 10:00 a.m.

AUSTIN

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1026, 1085, 1104, 1106, 1137, 1222, 1271, 1325, 1335, and 1425 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bill 1482 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1511, 1596, 1622, 1647, and 1692 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Joint Resolution 8 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1010, 1034, 1047, 1131, 1145, 1148, 1171, 1221, 1241, 1276, 1365, and 1378 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1423, 1469, 1470, 1510, 1515, and 1815 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1437, 1458, 1523, 1525, 1571, 1643, and 1660 with amendments and the same are

herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1623 with amendments and the same is herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1933.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 46 and 53 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 53

Representatives Buell, Mahern, Bosma, and Turner introduced House Concurrent Resolution 53:

A CONCURRENT RESOLUTION congratulating the Beech Grove High School girls basketball team on winning the 2003 Class 3A girls' basketball state championship.

Whereas, A new chapter was written in the Beech Grove High School record book on Saturday, March 8, 2003, at Consecro Fieldhouse in Indianapolis, Indiana, when the Beech Grove Lady Hornets won the 2003 Class 3A girls' basketball state championship;

Whereas, Their 63–45 victory over South Bend St. Joseph marked the first state championship in any sport for Beech Grove High School located in Beech Grove, Indiana;

Whereas, The 18 point victory set a new record as the largest margin of victory in a Class 3A girls' final game;

Whereas, The game was a record-breaking final game for Class 3A girls' basketball: the most points scored—33 by Katie Gearlds of Beech Grove; the most field goals made—13 by Katie Gearlds; and the most blocked shots—4 by Katie Gearlds;

Whereas, Katie Gearlds, the 6-foot, 1-inch senior guard who was recently named a McDonald's All-American and led the state in scoring with a 30.1-point average, was named the winner of the Patricia L. Roy Mental Attitude award;

Whereas, Katie ranks eighth in her 135-member senior class and maintains a 3.6 grade point average;

Whereas, The 28-1, second-ranked Hornets played an inspired game with all team members contributing to the victory, including Emily Ringham with nine points, Nicole Helfrich with seven points, Jenni Moore with four points and nine rebounds, and Mandy Seward with three points;

Whereas, This team with its stupendous drive and energy has proven to be a uniting force in the community, with many residents in attendance at the championship game; and

Whereas, Victories by teams such as the Beech Grove Lady Hornets are truly what Indiana legends are made of, and this legend will live on a long time in the hearts of the residents of Beech Grove, Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Beech Grove High School girls basketball team on its 2003 Class 3A state championship and acknowledges the many hours of hard work required to reach a level of excellence necessary to win a state championship. The members of the General Assembly also express their continued good wishes for the members and coaches of this remarkable team.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the team members; head coach Dawn McNew; assistant coaches Mark Parker, Steve Cox, Dean McNew, Tony Pickett, and Melinda Rhynes; student manager Stacy Hall; athletic director Chris Yentes; Principal Harvey W. Warnner; Vice Principal Rande Clevenger; and Superintendent Dr. Rex Sager.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Miller.

House Concurrent Resolution 54

Representatives Buell, Mahern, Bosma, and Turner introduced House Concurrent Resolution 54:

A CONCURRENT RESOLUTION congratulating Katie Gearlds on her selection as the 2003 Indiana Miss Basketball.

Whereas, Katie Gearlds, the 6-foot, 1-inch guard from Beech Grove High School, has been named the 2003 Indiana Miss Basketball;

Whereas, Katie's accomplishments on the court have made her an Indiana basketball legend in the same light as Damon Bailey, whose play she often used to motivate herself to greater heights;

Whereas, Katie led the state in scoring this year with a 30.1 points per game average, finished fourth on the state's career scoring chart with 2,521 points, and was ranked as the 43rd best player in the country by Women's Basketball Magazine;

Whereas, Katie has been a consistent force on the court for Beech Grove all four years of her career, averaging 23.7 points per game as a freshman, 27.1 points as a sophomore, and 26.5 points per game as a junior;

Whereas, Katie is equally as proficient on defense as she is on offense with five steals per game as a freshman, six as a sophomore, and 4.1 as a junior;

Whereas, Katie was named the 2003 Patricia L. Roy Mental Attitude Award winner following the Lady Hornets' Class 3A state championship victory;

Whereas, During the 2003 Class 3A championship game, Katie set several new Class 3A records - the most points scored with 33, the most field goals made with 13, the most field goals attempted with 31, and tied the record for most blocked shots with four;

Whereas, Katie's success has not been limited to the confines of the Indiana basketball courts. She has received numerous awards and recognitions, including the Most Valuable Player of the 2002 AAU National Championships after leading Indiana's Finest Black Cats to the title, an AAU All American, a McDonald's All American, and one of 48 high school players to participate in the 2002 USA Basketball Women's Youth Development Festival in Colorado Springs, Colorado, where she averaged 10 points and four rebounds for the North Team;

Whereas, Katie has been successful off the basketball court as well, ranking eighth in her class of 135 and maintaining a 3.6 grade point average on a 4.0 scale;

Whereas, Katie will be heading to Purdue University on a basketball scholarship to play for coach Kristy Curry, who has labeled her a "consummate team player"; and

Whereas, Katie Gearlds is a true basketball legend who helps those around her attain levels of excellence that would otherwise be beyond their reach: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate Katie Gearlds on her selection at the 2003 Indiana Miss Basketball and to wish her continued success at Purdue University.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Katie Gearlds and her family; head coach Dawn McNew; assistant coaches Mark Parker, Steve Cox, Dean McNew, Tony Pickett, and Melinda Rhynes; athletic director Chris Yentes; Principal Harvey W. Warrner; Vice Principal Rande Clevenger; and Superintendent Dr. Rex Sager.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Miller.

Senate Concurrent Resolution 46

The Speaker handed down Senate Concurrent Resolution 46, sponsored by Representative Lehe:

A CONCURRENT RESOLUTION recognizing Lake Central High School Centralettes on their national championship title.

Whereas, The Lake Central Centralettes, the dance team for Lake Central High School in St. John, have established a tradition of excellence;

Whereas, For the third year in a row, the Centralettes competed in the National Dance Alliance Dance Competition as defending champions; and

Whereas, The Centralettes' hard work to perfect a difficult dance routine was rewarded when they were named the 2003 National Champions of the Jazz Competition: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the Lake Central High School Centralettes on their national championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Lake Central High School Principal Sandra Platt, Dance Team Coach Kevin Mathis, and to each member of the Centralettes Dance Team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 48

The Speaker handed down Senate Concurrent Resolution 48, sponsored by Representatives Mahern and Murphy:

A CONCURRENT RESOLUTION concerning the Indiana Utility Regulatory Commission and the status of the telecommunications industry in Indiana.

Whereas, The Indiana Utility Regulatory Commission conducts hearings under procedures governed by statute and administrative rule;

Whereas, Goals of the federal Telecommunications Act of 1996 include competition in the local telephone market and deployment of advanced broadband services;

Whereas, Anticompetitive behavior in the telecommunications industry may appear to be a problem;

Whereas, In its 2003 Triennial Review, the Federal Communications Commission took a deregulatory approach to the provision of broadband services;

Whereas, The Indiana Utility Regulatory Commission does not regulate wireless communications;

Whereas, The Indiana Utility Regulatory Commission currently issues certificates of territorial authority to telephone companies;

Whereas, The Indiana Utility Regulatory Commission has recognized that the cost studies used to set the price of making unbundled network elements available to competitors in the telecommunications industry may need to be updated;

Whereas, The Indiana Utility Regulatory Commission has stated its intent to give companies every opportunity to update relevant costs and market information;

Whereas, SBC, a Texas based company providing telecommunications services, has an application pending before the Indiana Utility Regulatory Commission to provide intrastate, interLATA telecommunications services in Indiana; and

Whereas, The General Assembly encourages the Indiana Utility Regulatory Commission to expedite the commission's review of SBC's pending application to provide intrastate, interLATA telecommunications services in Indiana: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana Utility Regulatory Commission should establish a nine (9) month time frame in which to resolve cases before the Commission. If the Commission receives new information about a case, the applicant and the Commission shall agree upon an appropriate extension of time to review the new information and resolve the pending case.

SECTION 2. That the Indiana Utility Regulatory Commission should review the pricing mechanism for line leasing and consider various analyses, including market predictors. If the Commission uses total element long run increment cost in its analysis, the Commission shall consider actual fill utilization factors in the pricing mechanism.

SECTION 3. That the General Assembly supports the continued deregulation of broadband and wireless communications and encourages the Indiana Utility Regulatory Commission to adopt the position of the General Assembly in the Commission's ongoing proceedings.

SECTION 4. That the Indiana Utility Regulatory Commission shall report to the General Assembly on anticompetitive behavior in the telecommunications industry. The report must identify the Commission's authority to address and resolve anticompetitive behavior as well as additional authority the Commission needs to more effectively address and resolve anticompetitive behavior. The report may include additional information the Commission considers relevant.

SECTION 5. That the Indiana Utility Regulatory Commission shall review its current application process for certificates of territorial authority and report the Commission's findings to the General Assembly.

SECTION 6. That the Indiana Utility Regulatory Commission shall review the status of SBC's pending application to provide intrastate, interLATA telecommunications services in Indiana and report the status of the application to the General Assembly not later than June 30, 2003.

SECTION 7. That the Indiana Utility Regulatory Commission shall file with the General Assembly a preliminary report addressing SECTIONS 1 through 5 of this resolution not later than September 30, 2003, and a final report addressing SECTIONS 1 through 5 of this resolution not later than December 31, 2003.

SECTION 8. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Chairman William McCarty of the Indiana Utility Regulatory Commission and to Anne Becker, Utility Consumer Counselor.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 53

The Speaker handed down Senate Concurrent Resolution 53, sponsored by Representatives Yount and Burton:

A CONCURRENT RESOLUTION memorializing Colonel Richard R. King.

Whereas, Colonel Richard R. King died March 16, 2003, and was buried in Kansas Cemetery at Camp Atterbury, Edinburg, Indiana;

Whereas, Camp Atterbury was Colonel King's life's work;

Whereas, Colonel King helped to carve a fully functional military training facility from Indiana farmland;

Whereas, Colonel King was the post commander at Camp Atterbury from January to April 1969 and from April 1974 to November 1978;

Whereas, Shortly after taking command of Camp Atterbury, Colonel King began his long term plan to make the camp the best training facility in the country;

Whereas, His plan for Camp Atterbury was very successful;

Whereas, It is largely because of Colonel King's vision and work that Camp Atterbury was chosen as the only National Guard base in the country to be mobilized for Operation Iraqi Freedom;

Whereas, Colonel King was a leader in both his civilian and his military life. A 1939 graduate of Muncie Central High School, he was a four-sport letterman, was named to the All State Football team and received a football scholarship to attend the University of Tennessee while also serving as a back up for the United States Olympic Swimming team;

Whereas, Colonel King had a special place in his heart for Camp Atterbury because he had been inducted into the Army there in 1944;

Whereas, Colonel King served with the 11th Airborne Corps during World War II and with the Army of Occupation in Korea;

Whereas, After his discharge from active duty in World War II, Colonel King was assigned duty with the Army Reserve in Muncie, and he later received a direct commission from the Army and joined the 151st Infantry of Indiana Army National Guard in 1949;

Whereas, Colonel King later became a full-time officer with the Indiana Army National Guard in 1956;

Whereas, Colonel King retired from the Indiana Army National Guard in 1978 and remained at Camp Atterbury as facilities manager for the Military Department of Indiana until 1989; and

Whereas, Colonel Richard R. King was a man of great honor and integrity who lived by a code of "don't cheat, don't steal, and don't lie" his entire life. He will be deeply missed by his family, friends, fellow servicemen and everyone who knew him: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly expresses its sympathy and deep sense of loss to the family of Colonel Richard R. King. Colonel King was a man of honor who greatly influenced the lives of countless people and who helped develop Camp Atterbury into one of the finest military training facilities in our nation.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to his wife, daughters, and son.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 410

Representative Hasler called down Engrossed Senate Bill 410 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 410-3)

Mr. Speaker: I move that Engrossed Bill 410 be amended to read as follows:

Page 5, line 28, delete "boards" and insert "**Indiana future fund**".
(Reference is to ESB 410 as printed April 4, 2003.)

HASLER

Motion prevailed.

HOUSE MOTION
(Amendment 410-1)

Mr. Speaker: I move that Engrossed Senate Bill 410 be amended

to read as follows:

Page 5, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 1. IC 21-6.1-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE July 1, 2003]: Sec. 17. Benefits Exempted from Legal Process; Assignment of Benefits. (a) The benefits payable from the fund are exempt from seizure or levy on attachment, supplemental process, and all other processes.

(b) A member may not transfer any benefit payment; such a transfer is void. However, a member may assign benefits for paying:

(1) premiums on a group, life, hospitalization, surgical or medical insurance plan maintained in whole or in part by a state agency; and

(2) dues to any association which proves to the board's satisfaction that the association has as members at least twenty percent (20%) of the number of retired members of the fund.

(3) dues for a retired membership to any association that proves to the board's satisfaction that the association has as members at least fifty percent (50%) of the number of active members of the fund."

(Reference is to ESB 410 as printed April 4, 2003.)

T. ADAMS

Motion prevailed.

HOUSE MOTION
(Amendment 410-2)

Mr. Speaker: I move that Engrossed Senate Bill 410 be amended to read as follows:

Page 2, line 23, after "Labor;" insert "**or**".

Page 2, line 26, delete "technology; or" and insert "**technology**".

Page 2, delete lines 27 through 29, begin a new line blocked left and insert:

"A company that meets the definition of a high growth company under this subsection shall be considered to meet the definition even if affiliated with one (1) or more other companies that do not meet the definition contained in subdivision (2), and regardless of whether any of the affiliated companies is engaged in a business involving the matters described in subdivision (1)(A) through (1)(F)."

(Reference is to ESB 410 as printed April 4, 2003.)

ORENTLICHER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 508

Representative Bischoff called down Engrossed Senate Bill 508 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 501

Representative Porter called down Engrossed Senate Bill 501 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 501-4)

Mr. Speaker: I move that Engrossed Senate Bill 501 be amended to read as follows:

Page 27, line 34, before "the result" insert "the lesser of".

Page 27, line 35, after "formula" insert "and \$6,200".

(Reference is to ESB 501 as printed April 7, 2003.)

WOLKINS

Upon request of Representatives Crawford and Wolkins, the Speaker ordered the roll of the House to be called. Roll Call 508: yeas 18, nays 77. Motion failed.

HOUSE MOTION
(Amendment 501-1)

Mr. Speaker: I move that Engrossed Senate Bill 501 be amended to read as follows:

Page 16, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 17. IC 20-7.5-1-4, AS AMENDED BY P.L. 286-2001, SECTION 6, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2003]: Sec. 4. **(a) Subjects of Bargaining.** A school employer shall bargain collectively with the exclusive representative on the following:

- (1) Salary.
- (2) Wages.
- (3) Hours.
- (4) Salary and wage related fringe benefits, including accident, sickness, health, dental, or other benefits under IC 20-5-2-2 that are subjects of bargaining on July 1, 2001.
- (5) Salary and wages related to licensure, relicensure, additional certification, and continuing professional development.**

(b) A contract may also contain a grievance procedure culminating in final and binding arbitration of unresolved grievances, but such binding arbitration shall have no power to amend, add to subtract from or supplement provisions of the contract."

Renumber all SECTIONS consecutively.

(Reference is to ESB 501 as printed April 7, 2003.)

THOMPSON

After discussion, Representative Thompson withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 395

Representative Cochran called down Engrossed Senate Bill 395 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 349

Representative Kuzman called down Engrossed Senate Bill 349 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 349-1)

Mr. Speaker: I move that Engrossed Senate Bill 349 be amended to read as follows:

Page 1, between lines 5 and 6, insert:

"(2) Except as provided in subsection (c), for each day the senior judge serves after serving the first thirty (30) days of service in a calendar year, a per diem equal to the minimum compensation to which a full-time trial court judge is entitled under IC 33-13-12. The per diem described in this subdivision consists of:

- (A) retirement benefits that the person appointed as a senior judge is receiving or entitled to receive; and**
- (B) additional compensation sufficient to cause the per diem to equal the minimum compensation to which a full-time trial court judge is entitled under IC 33-13-12.**

(3) Reimbursement for:

- (A) mileage; and
- (B) reasonable expenses, including but not limited to meals and lodging, incurred in performing service as a senior judge; for each day served as a senior judge.

(b) Subject to subsection (c), the per diem and reimbursement for mileage and reasonable expenses under subsection (a) shall be paid by the state.

(c) The compensation under subsection (a)(2) must be paid by the state from funds appropriated to the supreme court for judicial payroll. If the payroll fund is insufficient to pay the compensation under subsection (a)(2), the supreme court may issue an order adjusting the compensation rate.

(d) A senior judge appointed under this chapter may not be compensated as a senior judge for more than one hundred (100) calendar days in the aggregate during a calendar year."

Page 1, delete lines 6 through 17.

Delete page 2.

Page 3, delete lines 1 through 25.

Page 3, line 26, strike "SECTION 5" and insert "SECTION 2".

(Reference is to ESB 349 as printed April 7, 2003.)

RUPPEL

Upon request of Representatives Ruppel and Friend, the Speaker

ordered the roll of the House to be called. Representative Welch was excused from voting. Roll Call 509: yeas 51, nays 45. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 286

Representative Dvorak called down Engrossed Senate Bill 286 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 286-2)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 12.

Page 3, delete lines 21 through 42.

Delete page 4.

Page 5, delete lines 1 through 16.

Page 6, delete lines 20 through 39.

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed April 4, 2003.)

L. LAWSON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 280

Representative Mahern called down Engrossed Senate Bill 280 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 211

Representative Lytle called down Engrossed Senate Bill 211 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 211-1)

Mr. Speaker: I move that Engrossed Senate Bill 211 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 6. IC 36-2-14-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 10.5. (a) This section applies to an autopsy performed after January 1, 2004.**

(b) When the body of a deceased person, upon whom an autopsy has been performed, is released, the coroner, coroner's designee, or physician shall provide the person who claims the deceased person's body with the notice under subsection (c). If the body of the deceased person is claimed by a funeral director, the funeral director shall provide the notice under subsection (c) to a family member, if any, of the deceased.

(c) The notice required by subsection (b) be prepared by the state department of health and must include the following information:

(1) That photographs, video recordings, and audio recordings of the deceased person's autopsy may be used for training or educational purposes unless a spouse, parent, guardian, sibling, or child of the deceased person objects to the use of the autopsy information.

(2) That photographs, video recordings, and audio recordings of the deceased person's autopsy used for training or educational purposes will not use:

(A) the decedent's name, address, or Social Security number; or

(B) except as related to the medical condition or medical status of the decedent, a view of the face or identifying marks on the body.

(3) A written objection must be delivered to the office of the coroner not more than thirty (30) days after the deceased person was released by the coroner's office.

- (4) The mailing address of the coroner's office.
- (5) That an objection must be either hand delivered or sent by certified mail, return receipt requested to the coroner's office.

(d) The coroner, coroner's designee, or physician may not use photographs, video recordings, or audio recordings of the deceased person's autopsy for training or educational purposes if a written objection is received by the coroner's office from a spouse, parent, guardian, sibling, or child of the deceased person not less than thirty (30) days after deceased person was released by the coroner's office."

Renumber all SECTIONS consecutively.
(Reference is to ESB 0211 as printed April 4, 2003.)

BUCK

Upon request of Representatives Buck and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 510: yeas 42, nays 51. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 136

Representative Mahern called down Engrossed Senate Bill 136 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 136-5)

Mr. Speaker: I move that Engrossed Senate Bill 136 be amended to read as follows:

Page 29, line 20, delete "[EFFECTIVE" and insert "[EFFECTIVE UPON PASSAGE]"

Page 29, line 21, delete "JULY 1, 2003]"

Page 29, between lines 31 and 32, begin a new paragraph and insert:

"(c) If a voting system has the capability, the voting system must display on the medium used by the voter to cast the voter's ballot the following information for each candidate:

- (1) The name of the candidate.
- (2) A ballot number or other candidate designation uniquely associated with the candidate."

Page 38, after line 15, begin a new paragraph and insert:
"SECTION 57. An emergency is declared for this act."
(Reference is to ESB 136 as printed April 2, 2003.)

MAHERN

Motion prevailed.

HOUSE MOTION
(Amendment 136-7)

Mr. Speaker: I move that Engrossed Senate Bill 136 be amended to read as follows:

Page 3, between lines 1 and 2, begin a new paragraph and insert:
"SECTION 3. IC 3-6-5.2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) This section applies after December 31, 2003.

(b) A person who is a candidate for elected office may not be appointed as a member of the board.

(c) If an appointed member becomes a candidate for elected office, the member may not continue to serve on the board.

(d) An appointed member may not hold elected office while a member of the board.

SECTION 4. IC 3-6-5.2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) This section applies after December 31, 2003.

(b) As used in this section, "interested person" refers to any of the following:

- (1) The treasurer of a candidate's committee.
- (2) An individual:
 - (A) designated by a candidate as the "campaign manager", as the "campaign coordinator", or with a title that implies similar responsibility for the candidate's campaign; or
 - (B) assigned duties by a candidate that imply that the individual has the authority of a campaign manager.

(c) An appointed member is recused from all actions of the board relating to the election if all the following apply:

- (1) A candidate:
 - (A) for election to an office to be held in the county; and
 - (B) of the same political party as the appointed member; files a petition for the recusal of the appointed member.
- (2) The candidate described in subdivision (1) demonstrates to the county election board that the appointed member is an interested person.

(d) If an appointed member is recused under subsection (c), the county chairman of the party of the recused appointed member shall appoint another individual to serve as a temporary appointed member. The individual appointed under this subsection serves until the day after the election.

(e) The circuit court clerk may not be an interested person in a candidate's committee other than the clerk's own candidate's committee."

Renumber all SECTIONS consecutively.
(Reference is to ESB 136 as printed April 2, 2003.)

C. BROWN

Motion failed.

HOUSE MOTION
(Amendment 136-8)

Mr. Speaker: I move that Engrossed Senate Bill 136 be amended to read as follows:

Page 38, after line 15, begin a new paragraph and insert:
"SECTION 57. [EFFECTIVE UPON PASSAGE] (a) A primary election may not be held to nominate a candidate of a political party for a municipal office if the party has only one (1) candidate for nomination for the office.

(b) Notwithstanding IC 3-8-2-20, a person who files a declaration of candidacy under IC 3-8-2 may at any time not later than noon, April 7, 2003, file a statement with the same office where the person filed the declaration of candidacy, stating that the person is no longer a candidate and does not wish the person's name to appear on the primary election ballot as a candidate.

(c) This SECTION expires July 1, 2003.
SECTION 58. An emergency is declared for this act."
(Reference is to ESB 136 as printed April 2, 2003.)

WHETSTONE

Motion prevailed.

HOUSE MOTION
(Amendment 136-3)

Mr. Speaker: I move that Engrossed Senate Bill 136 be amended to read as follows:

Page 18, line 33, after "determines" insert ", by unanimous vote of the entire membership of the commission,"

Page 20, line 34, after "determines" insert ", by unanimous vote of the entire membership of the board,"

(Reference is to ESB 136 as printed April 2, 2003.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 176

Representative Kuzman called down Engrossed Senate Bill 176 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 202

Representative Kuzman called down Engrossed Senate Bill 202 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 511: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 367

Representative C. Brown called down Engrossed Senate Bill 367 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 512: yeas 63, nays 33. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 454

Representative Weinzapfel called down Engrossed Senate Bill 454 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 513: yeas 88, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 479

Representative L. Lawson called down Engrossed Senate Bill 479 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 514: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 517

Representative Kuzman called down Engrossed Senate Bill 517 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 515: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 533

Representative Bottorff called down Engrossed Senate Bill 533 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 516: yeas 93, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

With consent of the members, the House returned to bills on second reading.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 440

Representative Bottorff called down Engrossed Senate Bill 440 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 440-5)

Mr. Speaker: I move that Engrossed Senate Bill 440 be amended to read as follows:

Page 3, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 5. IC 13-21-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) Except as provided in subsection (c) and section 14.5 of this chapter, the powers of a district do not include the following:

- (1) The power of eminent domain.
- (2) Except as provided in subsection (b), the power to exclusively control the collection or disposal of any solid waste or recyclables within the district by means that include the following:
 - (A) Franchising.
 - (B) Establishing a territory or territories within the district in which a person may provide service.
- (3) The power to establish the type of service that a person must provide for the collection or disposal of solid waste or recyclables within the district.
- (4) The power to establish fees that a person must charge for the collection or disposal of solid waste or recyclables within the district.
- (5) **The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.**

(b) If one (1) or more of the governmental entities in a district, at the time of the formation of the district, is a party to a contract providing that the persons contracted with have the exclusive right to collect or dispose of solid waste within the jurisdiction of the governmental entity, the district may enter into an extension of that contract.

(c) Subsection (a) does not apply to activities conducted as part of a household hazardous waste collection and disposal project."

Renumber all SECTIONS consecutively.

(Reference is to ESB 440 as printed April 7, 2003.)

BOTTORFF

Motion prevailed.

HOUSE MOTION (Amendment 440-4)

Mr. Speaker: I move that Engrossed Senate Bill 440 be amended to read as follows:

Page 4, line 38, delete ":" and insert "**rules that address the matters contained in:**

- (1) **40 CFR 51.165; and**
 - (2) **40 CFR 51.166;**
- as in effect March 3, 2003."**

Page 4, delete lines 39 through 42.

Page 5, delete lines 1 through 28, begin a new paragraph and insert:

"(b) The department of environmental management shall present reports to the environmental quality service council concerning the status of the rulemaking required under this SECTION before:

- (1) **December 1, 2003; and**
- (2) **July 1, 2004."**

Page 5, line 29, delete "(f)" and insert "(c)".

Page 5, line 30, delete "DECEMBER 31, 2000".

Page 5, line 31, delete "(RETROACTIVE)]" and insert "JULY 1, 2003]".

Page 6, line 16, delete "2004," and insert "**2005,"**".

Page 6, line 22, delete "DECEMBER 31, 2002".

Page 6, line 23, delete "(RETROACTIVE)]" and insert "JULY 1, 2003]".

Page 6, line 23, delete "2004," and insert "**2005,"**".

Page 6, line 31, delete "2004," and insert "2005,".
 Page 6, line 33, delete "2004," and insert "2005,".
 (Reference is to ESB 440 as printed April 7, 2003.)

BOTTORFF

Motion prevailed.

HOUSE MOTION
 (Amendment 440-3)

Mr. Speaker: I move that Engrossed Senate Bill 440 be amended to read as follows:

Page 4, after line 35, begin a new paragraph and insert:

"[EFFECTIVE UPON PASSAGE] The authority of the Indiana Department of Environmental Management to adopt a new rule or policy under IC 13-14-9 is suspended for a five (5) years to the extent that the new rule or policy requires an industry functioning under any of the following primary SIC codes:

- (1) 3312 Blast furnaces and steel mills;
- (2) 3321 Gray and ductile iron foundries;
- (3) 3322 Malleable iron foundries;
- (4) 3324 Steel investment foundries;
- (5) 3325 Steel foundries;
- (6) 3365 Aluminum foundries;
- (7) 3366 Copper foundries;
- (8) 3369 Nonferrous foundries,

to comply with a standard of conduct that exceeds the standard established in the related federal regulation or regulatory policy."

Renumber all SECTIONS consecutively.
 (Reference is to ESB 440 as printed April 7, 2003.)

WOLKINS

Motion prevailed.

HOUSE MOTION
 (Amendment 440-2)

Mr. Speaker: I move that Engrossed Senate Bill 440 be amended to read as follows:

Page 5, after line 29, begin a new paragraph and insert:

"SECTION 7. P.L. 183-2002 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) The environmental quality service council shall do the following:

- (1) To the extent the following are involved in the implementation of a rational wetland management policy, consider:
 - (A) Protection of surface and ground water quality.
 - (B) Control of location of accumulations of water.
 - (C) Water rights.
 - (D) Agricultural land use.
 - (E) Nonagricultural land use.
 - (F) Flood control.
 - (G) Natural habitat protection.
 - (H) Any other matter the council identifies.
- (2) Recommend principles for addressing state or local government management of and, with respect to state management, state agency responsibility for:
 - (A) land areas with wetland characteristics; and
 - (B) location and quantity of nonwetland surface water; not under the jurisdiction of the federal Clean Water Act (33 U.S.C. 1341).
- (3) Recommend a framework for overall state policy on wetlands to implement the 1996 Indiana Wetland Conservation Plan with goals, objectives, and responsibilities, including recommendations on:
 - (A) as a long term strategy, the types and functions of wetlands that are valued in particular geographic areas; and
 - (B) the means for restoring, maintaining, and protecting wetlands, including identification of agencies to be involved and the incentives to be offered.
- (4) Recommend the appropriate role and components of banking programs as part of a mitigation rule to foster private initiatives to restore wetlands in the context of a rational statewide wetland strategy.
- (5) Consider the options for statutory definition of 'private pond' and explain the implications of each option.

(6) Submit its final report on the matters referred to in subdivisions (1) through (5) before November 1, 2002, to:

- (A) the governor; and
- (B) the executive director of the legislative services agency.

(b) The environmental quality service council shall consult with and otherwise involve in its proceedings for consideration of the matters listed in subsection (a):

- (1) the director of the department of natural resources or the director's designee; and
- (2) representatives of all federal agencies involved in the regulation of wetlands.

(c) A state agency or board may not:

- (1) adopt or amend an administrative rule concerning the definition of 'wetlands' or 'isolated wetlands'; or
- (2) enforce an administrative rule promulgated after January 1, 2002, that concerns the definition of 'wetlands' or 'isolated wetlands';

until the environmental quality service council has submitted its final report under subsection (a)(6) or May 1, 2003, whichever occurs first: **May 1, 2004.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 440 as printed April 7, 2003.)

WOLKINS

Upon request of Representatives Bottorff and Wolkins, the Speaker ordered the roll of the House to be called. Roll Call 517: yeas 68, nays 23. Motion prevailed.

HOUSE MOTION
 (Amendment 440-1)

Mr. Speaker: I move that Engrossed Senate Bill 440 be amended to read as follows:

Page 3, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 5. IC 13-20-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Chapter 24. Restrictions on Sale or Use of Nonbiodegradable plastic bags.**

Sec. 1. As used in this chapter, "degradable" has the meaning set forth at IC 5-22-5-6.

Sec. 2. As used in this chapter, "plastic" has the meaning set forth in IC 5-22-5-6.

Sec. 3. As used in this chapter, "retail merchant" has the meaning set forth at IC 6-2.5-4-1.

Sec. 4. After December 31, 2004, a retail merchant may not sell, offer for sale, give away, or otherwise distribute a plastic bag unless the plastic bag is degradable."

Renumber all SECTIONS consecutively.

(Reference is to SB 440 as printed April 7, 2003.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be added as cosponsor of Engrossed Senate Bill 109.

AGUILERA

Motion prevailed.

Pursuant to House Rule 156, conference committee meetings were announced.

On the motion of Representative Bischoff, the House adjourned at 12:35 p.m., this ninth day of April, 2003, until Thursday, April 10, 2003, at 9:00 a.m.

B. PATRICK BAUER
 Speaker of the House of Representatives

DIANE MASARIU CARTER
 Principal Clerk of the House of Representatives